

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA  
PLAINTIFF,

VS.

VINOD PATEL, D-36  
DEFENDANT.

CASE #: 11-CR-20468

HON. ARTHUR J. TARNOW

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MOTION FOR PERMISSION TO WITHDRAW AS COUNSEL

Richard M. Beuke and Timothy M. Black, as attorneys for the Defendant Vinod Patel, ask this Court for permission to withdraw from their representation of Mr. Patel for the reasons set forth in the attached brief.

Respectfully Submitted,

s/Richard M. Beuke  
s/Timothy M. Black  
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**BRIEF IN SUPPORT OF  
MOTION FOR PERMISSION TO WITHDRAW AS COUNSEL**

Richard M. Beuke and Timothy M. Black, counsel of record for the Defendant Vinod Patel, ask this Court for permission to withdraw as counsel for Mr. Patel pursuant to Local Court Rule 57.1 and Michigan Rule of Professional Conduct 1.16. Mr. Beuke and Mr. Black were retained by Mr. Patel for the limited purpose of representation up to the conclusion of his District Court case. Mr. Beuke and Mr. Black were not hired to represent Mr. Patel in any appellate matters. In fact, neither Mr. Beuke nor Mr. Black is licensed to practice law in the Sixth Circuit Court of Appeals, a fact of which Mr. Patel was apprised.

On June 9, 2015, then again on June 11, 2015, Mr. Patel filed *pro se* Notices of Appeal (R1444 and R1448). Then, on June 16, 2015, Mr. Patel filed a Motion to Appeal in Forma Pauperis (R1451) through attorney Pamella R. Szydlak. As noted in that motion, "Vinod Patel has insufficient funds to retain counsel for his appeal. Mr. Patel's wife has contacted a clerk at the Sixth Circuit Court of Appeals indicating they are without funds to hire a lawyer" (R1451 at ¶5).

Local Court Rule 57.1(b) allows for an attorney to request the Court's permission to withdraw from a case, and instructs the Court that it "may deny a motion to withdraw if the attorney's withdrawal would unduly delay trial of the case, or be unfairly prejudicial to any party,

or otherwise not be in the interest of justice.” LCrR 57.1. Allowing the Court discretion to deny the motion to withdraw in those specific circumstances implies that the court *should* grant permission to withdraw where those factors don’t exist, and still *may* grant the motion where they do.

Rule 1.16 of the Michigan Rules of Professional Conduct (MRPC) addresses the circumstances in which termination of representation may be requested. MRPC 1.16(b) provides, in part:

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if:

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(5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(6) other good cause for withdrawal exists.

MRPC 1.16.

Pursuant to both Local Rule 57.1(b) and MRPC 1.16, termination of the attorney-client relationship between the Defendant and his attorneys, Mr. Beuke and Mr. Black, is appropriate in this case. Not only would Mr. Beuke’s and Mr. Black’s continued representation of Mr. Patel result in an unreasonable financial burden on them due to Mr. Patel’s inability to pay, but their continued representation of Mr. Patel in a court in which they are not licensed would be illegal and unethical. Furthermore, the withdrawal of Mr. Beuke and Mr. Black as attorneys of record would not unduly delay the trial, which has already concluded; would not unfairly prejudice any

party, where Mr. Patel has filed a Motion to Appeal in Forma Pauperis; and would not otherwise impede the interest of justice, where the appellate process has only just begun.

For all of the reasons stated in the Motion for Permission to Withdraw as Counsel and its supporting brief, it is respectfully requested that this Court allow Mr. Beuke and Mr. Black to withdraw as counsel in this case.

Respectfully Submitted,

s/Richard M. Beuke  
s/Timothy M. Black  
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**CERTIFICATE OF SERVICE**

I hereby certify that on 6/18/2015, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all parties of record. In addition, counsel has sent this Motion and Brief to Mr. Patel by first-class, U.S. Mail to Mr. Patel at FCI Milan.

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